

**ENTERED**

September 15, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

CLAUDIO LOPEZ QUIROGA,

Plaintiff,

VS.

KILOLO KIJAKAZI,  
ACTING COMMISSIONER OF THE  
SOCIAL SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 7:22-cv-00188

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Plaintiff Claudio Lopez Quiroga's action pursuant to 42 U.S.C. § 405(g) seeking review of denial of his application for disability benefits, which had been referred to the Magistrate Court for a report and recommendation. On August 2, 2023, the Magistrate Court issued the Report and Recommendation,<sup>1</sup> recommending that Defendant's Motion for Summary Judgment<sup>2</sup> be granted, that Plaintiff's Motion for Summary Judgment<sup>3</sup> be denied, and that this action be dismissed with prejudice.<sup>4</sup> The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>5</sup> Finding no clear error, the Court adopts the Report and

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<sup>1</sup> Dkt. No. 15.

<sup>2</sup> Dkt. No. 14.

<sup>3</sup> Dkt. No. 13.

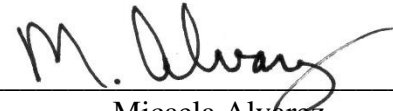
<sup>4</sup> Dkt. No. 1-2.

<sup>5</sup>As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Douglas v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting *FED. R. CIV. P. 72(b) advisory committee's note (1983)*) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Svcs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. April 2, 2012).

Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED**, that Plaintiff's Motion for Summary Judgment is **DENIED**, and that this action is **DISMISSED** with prejudice.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 15th day of September 2023.

A handwritten signature in black ink, appearing to read 'M. Alvarez', is written over a horizontal line.

Micaela Alvarez  
Senior United States District Judge